

**U.S. DEPARTMENT OF EDUCATION  
ELEMENTARY AND SECONDARY EDUCATION  
SCHOOL IMPROVEMENT PROGRAMS  
Washington, D.C. 20202-6140**



**FISCAL YEAR 1999  
APPLICATION FOR NEW GRANTS**

**PUBLIC CHARTER SCHOOLS PROGRAM  
CFDA: 84.282**

**CLOSING DATE: June 1, 1999**

**DATED MATERIAL - OPEN IMMEDIATELY**

OMB No. 1810-0570  
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Dear Applicant:

Thank you for your interest in the Public Charter Schools Program (PCSP). Included in this application package are the instructions and forms needed to submit an application to the U. S. Department of Education. The PCSP is authorized under Title X, Part C of the Elementary and Secondary Education Act as amended by the Charter Schools Expansion Act of 1998. A copy of the amended statute is included in section A of this application booklet. Please take the time to review this statute thoroughly.

### **Priority Treatment**

New statutory priorities were added as a method of improving accountability and ensuring the quality of the applications. For fiscal years 1999, 2000, and 2001, the Secretary is required to award all funds in excess of \$51 million to States that provide for the review and evaluation by the authorized public chartering agency of each charter school at least every 5 years. To receive a grant from that pool in excess of \$51 million, States must also meet at least one of the following three priority criteria:

- 1) The State must demonstrate progress in increasing the number of high quality charter schools that are held accountable in their charter for clear and measurable objectives for the educational progress of their students.
- 2) The State provides for one authorized public chartering agency that is not a LEA or allows for an appeals process for the denial of applications for a charter school.
- 3) The State ensures that each charter school has a high degree of autonomy over its budget and expenditures.

In order to receive priority treatment, an applicant must identify the priority criteria that it meets and provide documentation supporting its claims. When making decisions regarding the amount of awards, the Secretary is also required to take into consideration the number of operating charter schools in a State.

### **Dissemination Grants**

The Charter Schools Expansion Act of 1998 authorizes a new activity for the PCSP, dissemination grants. States may reserve up to 10 percent of their grant to make dissemination subgrants to successful charter schools to conduct dissemination activities. Dissemination grants may last no more than 2 years and must be made to successful

charter schools that have been in operation for 3 consecutive years, even if these charter schools have not received funds from the Public Charter School Program. Demonstration of a successful charter school includes substantial improvement of student achievement, high levels of parent satisfaction, and the management and leadership necessary to overcome initial start-up problems and establish a thriving, financially viable charter school.

Dissemination activities include assisting other schools in adapting the charter school's program in order to foster greater expansion of the successful school's program. Charter schools may also assist other individuals with the planning and start-up of new schools that are independent of the charter school but agree to be held to at least as high a level of accountability. Charter schools can develop partnerships to improve student performance. Charter schools can develop curriculum materials, assessments, and other materials that promote increased student achievement based on successful practices. Finally, charter schools may conduct evaluations and develop materials that document the successful practices of charter schools.

Both the authorizing statute and the Notice Inviting Applications describe the required contents of an application, criteria for priority treatment, and the selection criteria by which an application will be reviewed.

A program officer is available to provide technical assistance to applicants. Please refer to the Notice Inviting Applications for contact names and numbers, and call if you have any questions about the program after reviewing the application package.

For information about other U.S. Department of Education grant and contract opportunities, you may use the Department's electronic bulletin board (ED Board), telephone (202) 260-9950; or the World Wide Web (at <http://gcs.ed.gov>).

In addition, we encourage applicants to visit our practitioner-oriented charter schools web site (at <http://www.uscharterschools.org>) that provides information to those who are interested in starting a charter school.

We look forward to receiving your application and appreciate your efforts to promote excellence and innovation in American education.

Sincerely,

Arthur Cole  
Director  
School Improvement Programs  
Elementary and Secondary Education

**Section A**  
**Legal and Regulatory Documents**

**Notice Inviting Applications**

**Notice to Applicants: The Government Performance and Results Act**

**Public Charter Schools Program Performance Indicators**

**Public Charter Schools Program Statute**

4000-01-P

DEPARTMENT OF EDUCATION

(CFDA No.: 84.282A)

Public Charter Schools Program (PCSP)

Notice inviting applications for new awards for fiscal year (FY) 1999.

PURPOSE OF PROGRAM: The major purpose of the PCSP is to expand the number of high-quality charter schools available to students across the Nation by providing financial assistance for the planning, program design, and initial implementation of public charter schools; evaluation of the effects of charter schools; and the dissemination of information about charter schools and successful practices in charter schools.

WHO MAY APPLY: (a) State educational agencies (SEAs) in States with a specific State statute authorizing the establishment of charter schools. The Secretary awards grants to SEAs to enable them to conduct charter school programs in their States. SEAs use their PCSP funds to award subgrants to “eligible applicants,” as defined in this notice, for planning, program design, and initial implementation of a charter school; and to support the dissemination of information about, and successful practices in, charter schools. A charter school may apply for funds to carry out dissemination activities, whether or not the charter school has applied for or received funds under the PCSP for planning or implementation, if the charter school has been in operation for at least 3 consecutive years and has demonstrated overall success , including –

- (i) substantial progress in improving student achievement;
- (ii) high levels of parent satisfaction; and

- (iii) the management and leadership necessary to overcome initial start-up problems and establish a thriving, financially viable charter school.

(b) Under certain circumstances, an authorized public chartering agency participating in a partnership with a charter school developer. Such a partnership is eligible to receive funding directly from the U.S. Department of Education if –

- (i) The SEA in its State elects not to participate in this program; or
- (ii) The SEA in its State does not have an application approved under this program.

If an SEA's application is approved in this competition, applications received from non-SEA eligible applicants in that State will be returned to the applicants.

In such a case, the eligible applicant should contact the SEA for information related to its subgrant competition.

NOTE: The following States currently have approved applications under this program: California, Colorado, Georgia, Louisiana, Massachusetts, Michigan, Minnesota, Missouri, Ohio, Rhode Island, Pennsylvania, South Carolina, and Texas. In these States, only the SEA is eligible to receive an award under this competition. Eligible applicants in these States should contact their respective SEAs for information about participation in the State's charter school subgrant program.

DEADLINE FOR TRANSMITTAL OF APPLICATIONS: June 1, 1999.

DEADLINE FOR INTERGOVERNMENTAL REVIEW: June 30, 1999.

APPLICATIONS AVAILABLE: April 16, 1999.

AVAILABLE FUNDS: \$50,000,000.

ESTIMATED RANGE OF AWARDS:

State educational agencies: \$500,000-\$5,000,000 per year

Other eligible applicants: \$25,000-\$150,000 per year

ESTIMATED AVERAGE SIZE OF AWARDS:

State educational agencies: \$3,000,000 per year

Other eligible applicants: \$100,000 per year

ESTIMATED NUMBER OF AWARDS:

State educational agencies: 10-15

Other eligible applicants: 20-30

NOTE: These estimates are projections for the guidance of potential applicants. The Department is not bound by any estimates in this notice.

PROJECT PERIOD:

State educational agencies: Up to 36 months

Other eligible applicants: Up to 36 months

NOTE: Grants awarded by the Secretary directly to non-SEA eligible applicants or subgrants awarded by SEAs to eligible applicants will be awarded for a period of up to 36 months, of which the eligible applicant may use--

- (a) Not more than 18 months for planning and program design;
- (b) Not more than two years for the initial implementation of a charter school;
- and
- (c) Not more than two years to carry out dissemination activities.



APPLICABLE REGULATIONS AND STATUTE: The Education Department General Administrative Regulations (EDGAR) in 34 CFR Parts 75 (except 75.210), 76, 77, 79, 80, 81, 82, 85, and 86. Title X, Part C, Elementary and Secondary Education Act of 1965 (ESEA), as amended, 20 U.S.C. 8061-8067.

SUPPLEMENTARY INFORMATION: As part of wider education reform efforts to strengthen teaching and learning, charter schools can be an innovative approach to improving public education and expanding public school choice. While there is no one model, public charter schools are exempted from most statutory and regulatory requirements in exchange for performance-based accountability. They are intended to stimulate the creativity and commitment of teachers, parents, students, and citizens and contribute to better student academic achievement.

Congress reauthorized the PCSP in October 1998, by enacting the Charter School Expansion Act of 1998. Under the new legislation, SEA applicants for funding are required to include in their applications descriptions of how the SEA (a) will inform each charter school in the State about Federal funds the charter school is eligible to receive and Federal programs in which the charter school may participate; (b) will ensure that each charter school in the State receives the charter school's commensurate share of Federal education funds that are allocated by formula each year, including during the charter school's first year of operation; and (c) will disseminate best or promising practices of charter schools to LEAs in the State. The new legislation also added a requirement that SEA applicants as well as charter school applicants include in their applications descriptions of how charter schools that are considered to be LEAs under State law and LEAs in which a charter school is located will comply with sections 613(a)(5) and

613(e)(1)(B) of the Individuals with Disabilities Education Act. Additional information regarding the required contents of applications, diversity of projects, and waivers are provided in the application package for this program.

The following definitions, selection criteria, priority criteria, amount criteria, authorized uses of funds for dissemination activities, and allowable activities are taken from the Public Charter Schools statute, in Title X, Part C, of the ESEA. They are being repeated in this application notice for the convenience of the applicant.

#### Definitions

The following definitions apply to this program:

- (a) Charter school means a public school that –
  - (i) In accordance with a specific State statute authorizing the granting of charters to schools, is exempted from significant State or local rules that inhibit the flexible operation and management of public schools, but not from any rules relating to the other requirements of this definition;
  - (ii) Is created by a developer as a public school, or is adapted by a developer from an existing public school, and is operated under public supervision and direction;
  - (iii) Operates in pursuit of a specific set of educational objectives determined by the school's developer and agreed to by the authorized public chartering agency;
  - (iv) Provides a program of elementary or secondary education, or both;

- (v) Is nonsectarian in its programs, admissions policies, employment practices, and all other operations, and is not affiliated with a sectarian school or religious institution;
- (vi) Does not charge tuition;
- (vii) Complies with the Age Discrimination Act of 1975, title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, and part B of the Individuals With Disabilities Education Act;
- (viii) Is a school to which parents choose to send their children, and that admits students on the basis of a lottery, if more students apply for admission than can be accommodated;
- (ix) Agrees to comply with the same Federal and State audit requirements as do other elementary and secondary schools in the State, unless the requirements are specifically waived for the purposes of this program;
- (x) Meets all applicable Federal, State, and local health and safety requirements;
- (xi) Operates in accordance with State law; and
- (xii) Has a written performance contract with the authorized public chartering agency in the State that includes a description of how student performance will be measured in charter schools pursuant to State assessments that are required of other schools and pursuant

to any other assessments mutually agreeable to the authorized public chartering agency and the charter school.

(b) Developer means an individual or group of individuals (including a public or private nonprofit organization), which may include teachers, administrators and other school staff, parents, or other members of the local community in which a charter school project will be carried out.

(c) Eligible applicant means an authorized public chartering agency participating in a partnership with a developer to establish a charter school in accordance with this program.

(d) Authorized public chartering agency means a State educational agency, local educational agency, or other public entity that has the authority under State law and is approved by the Secretary to authorize or approve a charter school.

#### Selection Criteria for SEAs

The maximum possible score for all of the criteria in this section is 140 points. The maximum possible score for each criterion is indicated in parentheses following each criterion. In evaluating an application from an SEA, the Secretary considers the following criteria:

- (a) The contribution that the charter schools grant program will make in assisting educationally disadvantaged and other students to achieve State content standards, State student performance standards, and, in general, a State's education improvement plan (20 points).
- (b) The degree of flexibility afforded by the SEA to charter schools under the State's charter schools law (20 points).

- (c) The ambitiousness of the objectives for the State charter school grant program (20 points).
- (d) The quality of the strategy for assessing achievement of those objectives (20 points).
- (e) The likelihood that the charter schools grant program will meet those objectives and improve educational results for students (20 points).
- (f) The number of high quality charter schools created under this part in the State (20 points).
- (g) In the case of State educational agencies that propose to use grant funds to support dissemination activities under section 10302(c)(2)(C) of the ESEA, the quality of those activities and the likelihood that those activities will improve student achievement (20 points).

#### Selection Criteria for Non-SEA Eligible Applicants

The maximum possible score for all of the criteria in this section is 140 points. The maximum possible score for each criterion is indicated in parentheses following each criterion. In evaluating an application from an eligible applicant other than an SEA the Secretary considers the following criteria:

- (a) The quality of the proposed curriculum and instructional practices (20 points).
- (b) The degree of flexibility afforded by the SEA and, if applicable, the local educational agency to the charter school (20 points).
- (c) The extent of community support for the application (20 points).
- (d) The ambitiousness of the objectives for the charter school (20 points).

(e) The quality of the strategy for assessing achievement of those objectives (20 points).

(f) The likelihood that the charter school will meet those objectives and improve educational results for students (20 points).

(g) In the case of an eligible applicant that proposes to use grant funds to support dissemination activities under section 10302(c)(2)(C) of the ESEA, the quality of those activities and the likelihood that those activities will improve student achievement (20 points).

#### Priority Criteria

In awarding grants for FYs 1999, 2000, and 2001 from funds appropriated under section 10311 of the ESEA that are in excess of \$51 million for the FY, the Secretary gives priority under this competition to States to the extent that the States meet the criteria described in paragraph (a) below, and one or more of the criteria described in paragraphs (b) through (d) below (20 points).

(a) The State provides for periodic review and evaluation by the authorized public chartering agency of each charter school, at least once every 5 years unless required more frequently by State law, to determine whether the charter school is meeting the terms of the school's charter, and is meeting or exceeding the academic performance requirements and goals for charter schools as set forth under State law or the school's charter.

(b) The State has demonstrated progress, in increasing the number of high quality charter schools that are held accountable in the terms of the schools' charters for meeting clear and measurable objectives for the educational progress of

the students attending the schools, in the period prior to the period for which a State educational agency or eligible applicant applies for a grant under this competition.

(c) The State-

- (i) provides for one authorized public chartering agency that is not a local educational agency, such as a State chartering board, for each individual or entity seeking to operate a charter school pursuant to such State law; or
- (ii) in the case of a State in which local educational agencies are the only authorized public chartering agencies, allows for an appeals process for the denial of an application for a charter school.

(d) The State ensures that each charter school has a high degree of autonomy over the charter school's budgets and expenditures.

Amount Criteria

In determining the amount of a grant to be awarded under this competition to a State educational agency, the Secretary shall take into consideration the number of charter schools that are operating or approved to open in the State.

Allowable Activities

An eligible applicant receiving a grant or subgrant under this program may use the grant or subgrant funds for only --

- (a) Post-award planning and design of the educational program, which may include –
  - (i) Refinement of the desired educational results and of the methods for measuring progress toward achieving those results; and
  - (ii) Professional development of teachers and other staff who will work in the charter school; and
- (b) Initial implementation of the charter school, which may include –
  - (i) Informing the community about the school;
  - (ii) Acquiring necessary equipment and educational materials and supplies;
  - (iii) Acquiring or developing curriculum materials; and
  - (iv) Other initial operating costs that cannot be met from State or local sources.

#### Use of Funds for Dissemination Activities

A State educational agency may reserve not more than 10 percent of the grant funds to support dissemination activities. A charter school may use such funds to assist other schools in adapting the charter school's program (or certain aspects of the charter school's program), or to disseminate information about the charter school, through such activities as –

- (a) assisting other individuals with the planning and startup of one or more new public schools, including charter schools, that are independent of the assisting charter school and the assisting charter school's developers, and that agree to be held to at least as high a level of accountability as the assisting charter school;



- (b) developing partnerships with other public schools, including charter schools, designed to improve student performance in each of the schools participating in the partnership;
- (c) developing curriculum materials, assessments, and other materials that promote increased student achievement and are based on successful practices within the assisting charter school; and
- (d) conducting evaluations and developing materials that document the successful practices of the assisting charter school and that are designed to improve student achievement.

FOR APPLICATIONS OR INFORMATION CONTACT: John Fiegel, U.S. Department of Education, 400 Maryland Avenue, S.W., Room 3E122, Washington, D.C. 20202-6140. Telephone (202) 260-2671. Internet address: [John.Fiegel@ed.gov](mailto:John.Fiegel@ed.gov). Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339 between 8 a.m. and 8 p.m., Eastern time, Monday through Friday.

Individuals with disabilities may obtain this document in an alternate format (e.g., Braille, large print, audiotape, or computer diskette) upon request to the contact person listed in the preceding paragraph. Individuals with disabilities may obtain a copy of the application package in an alternate format, also, by contacting that person. However, the Department is not able to reproduce in an alternate format the standard forms included in the application package.

### Electronic Access to this Document

Anyone may view this document, as well as all other Department of Education documents published in the **Federal Register**, in text or portable document format (pdf) on the World Wide Web at either of the following sites:

<http://ocfo.ed.gov/fedreg.htm>

<http://www.ed.gov/news.html>

To use the pdf, you must have the Adobe Acrobat Reader Program with Search, which is available free at either of the previous sites. If you have questions about using the pdf, call the U.S. Government Printing Office toll free at 1-888-293-6498.

Anyone may also view these documents in text copy only on an electronic bulletin board of the Department. Telephone: (202) 219-1511 or, toll free, 1-800-222-4922. The documents are located under Option G -- Files/Announcements, Bulletins, and Press Releases.

Note: The official version of a document is the document published in the **Federal Register**.

PROGRAM AUTHORITY: 20 U.S.C. 8061-8067.

Dated:

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Judith Johnson,  
Acting Assistant Secretary for

**Notice to Applicants:****The Government Performance and Results Act (GPRA)****What is GPRA?**

The Government Performance and Results Act of 1993 (GPRA) is a straightforward statute that requires all federal agencies to manage their activities with attention to the consequences of those activities. Each agency is to clearly state what it intends to accomplish, identify the resources required, and periodically report its progress to Congress. In so doing, it is expected that the GPRA will contribute to improvements in accountability for the expenditures of public funds, improve congressional decision-making through more objective information on the effectiveness of federal programs, and promote a new government focus on results, service delivery, and customer satisfaction.

**How has the Department of Education responded to GPRA Requirements?**

As required by GPRA, the Department of Education has prepared a strategic plan for 1998-2002. This plan reflects the department's priorities and integrates them with its mission and program authorities and describes how the Department will work to improve education for all children and adults in the U.S. The Department's goals, as listed in the plan, are:

Goal 1: Help all students reach challenging academic standards so that they are prepared for responsible citizenship, further learning, and productive employment.

Goal 2: Build a solid foundation for learning for all children.

Goal 3: Ensure access to postsecondary education and lifelong learning.

Goal 4: Make the Department of Education a high performance organization by focusing on results, service quality, and customer satisfaction.

The performance indicators for the Public Charter Schools Program are part of the Department's plan for meeting Goal 1: Help all students reach challenging academic standards so that they are prepared for responsible citizenship, further learning, and productive employment. Among the department's objectives for Goal 1 is that "Greater public school choice will be available to students and families."

**What are the Performance Indicators for the Public Charter Schools Program?**

The Department's specific goals for the Public Charter Schools Program are to (1) "encourage the development of charter schools that are free from state or local rules that inhibit flexible operation, are held accountable for enabling students to reach challenging state performance standards, and are open to all students," and (2) "evaluate the effects of charter schools, including identifying the most effective strategies to improve quality and innovation in the public school system."

The specific performance indicators for the Public Charters Schools Program follow.

## Public Charter Schools Program (FY 2000) - 12/17/98

**Goal:** To support the creation of charter schools and evaluate their effects.

Objectives	Indicators	Baseline Performance Data	Source, Periodicity, and Next Update
<b>1. Encourage the development of high quality charter schools that are free from state or local rules that inhibit flexible operation, are held accountable for enabling students to reach challenging state performance standards, and are open to all students.</b>	<b>1.1 A. State legislation.</b> By the year 2000, 40 states will have charter school legislation. <b>B.</b> 30 states will meet all three criterion and the accountability requirement of "The Charter School Expansion Act of 1998"	<i>As of August, 1998, 33 states, the District of Columbia, and Puerto Rico have charter school legislation.</i>  <i>In June, 1998, 797 charter schools were in operation nationwide</i>	1.1 A. A Study of Charter Schools Second-Year Report 1998; also see The Condition of Charter Schools, 1999; Also see other reports, which are untitled at this point, but which will be released annually, or more frequently for minor studies, in 1999 and 2000. <b>B.</b> Grant competition under PCSP  1.2 A. RPP study (1998, 1999, 2000), state legislatures, state educational agencies. <b>B.</b> Grant competition under PCSP  1.3 A. RPP study (1999), evaluation of the federal charter schools program (2000, 2001, 2002), accountability study (1998). <b>B.</b> Grant competition under PCSP  1.4 A. Evaluation of the federal charter schools program (2000, 2001, 2002), accountability study (1999). <b>B.</b> Grant competition under PCSP  1.5 RPP study (2000), evaluation of the federal charter schools program (2000, 2001, 2002), other research studies (1998, 1999).
	<b>1.2 A. Charter operations.</b> By the year 2002, there will be 3,000 charter schools in operation around the nation. <b>B.</b> 30 states will have increasing numbers of high quality accountable charter schools as defined in "The Charter School Expansion Act of 1998."	<i>Baseline data will be collected and target set in 1999. Baseline will be provided in 2000</i>  <i>Baseline data will be collected and target will be set in 1999. Baseline data will be provided in 2000.</i>	
	<b>1.3 A. Flexibility.</b> Studies will show that charter schools are exempt from significant state and local rules that inhibit flexible operation.. <b>B.</b> 30 states will meet the flexibility criterion of as defined in "The Charter School Expansion Act of 1998," by demonstrating that charter schools control their budget and expenditures.	<i>In 1996-97, charter schools in five states served a smaller average percentage of white students than state averages; in three states, charter schools served a higher average percentage of white students. Charter schools served a roughly similar proportion of limited English proficient students than their state averages, and generally a lower average percentage of students with disabilities than state averages</i>	
	<b>1.4 A. Accountability.</b> Studies will show that charter schools have measurable objectives and specific timelines for meeting student performance goals, including the extent to which charter school students are meeting or exceeding state performance standards. <b>B.</b> 30 states will meet the 5 year requirement for holding schools accountable for meeting the terms of their charter as defined in "The Charter School Expansion Act of 1998."		
	<b>1.5 Access.</b> Studies will show that charter schools are open and accessible to all students		

<p><b>2. Evaluate the effects of charter schools, including identifying the most effective strategies to improve quality and innovation in the public school system.</b></p>	<p><b>2.1 Impact evaluation.</b> By the year 2000, a national study of charter schools will be completed that examines the characteristics of charter schools (e.g., range of flexibility, accountability measures, etc.) and examines the impact of charter schools on student achievement, and the impact on the school systems where the charter schools are located</p> <p><b>2.2 Program component analysis.</b> By the year 2000, effects of charter schools in areas such as school governance, school finance, school and student assessment, standards and accountability, and educational equity will be analyzed.</p> <p><b>2.3 Impact of federal program.</b> By 1998, an evaluation of the impact of federal support for charter schools will be under way.</p> <p><b>2.4 A. Educational approaches.</b> Studies will show that charter schools are implementing a variety of models that promote student achievement and innovation in the public school system. These models and best practices will be collected and disseminated across the public school system.  <b>B.</b> 30 states will establish “dissemination grant” opportunities as part of the SEA grant program  <b>C.</b> 150 schools will receive “dissemination grants”</p>	<p><i>Baseline data will be available in 1999.</i></p> <p><i>Baseline data will be collected and target will be set in 2000.</i></p> <p><i>A first year report is expected in early 2000.</i></p> <p><i>Baseline data will be collected and target will be set in 2000.</i></p>	<p>2.1 RPP study (2000), evaluation of the federal charter schools program (2000, 2001, 2002).</p> <p>2.2 RPP study (2000), evaluation of the federal charter schools program (2000, 2001, 2002).</p> <p>2.3 Evaluation of the federal charter schools program (2000, 2001, 2002).</p> <p><b>2.4</b> A. RPP case studies (2000), evaluation of the federal charter schools program (2000, 2001, 2002), possibly new study to be planned.  B. From grant competition for PCSP  C. From continuation reports from PCSP grant recipients</p>
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**Relation of Objectives to Strategic Plan:****Key Strategies:**

- ❖ Provide support and technical assistance for state and regional information/outreach meetings
- ❖ Develop and disseminate a variety of publications targeted nationally to parents, students, potential charter school developers, chartering agencies, legislators, policymakers, and others.
- ❖ Meet with universities, museums, organizations focused on educating disadvantaged children, and others with the capacity to help charter schools to encourage their support in sponsoring and providing technical assistance to charter schools and potential charter school developers.
- ❖ Support a charter school web site including a national registry of charter schools to share information on curriculum development, policy development, school finances, and legal issues.
- ❖ Share information about model charters and chartering processes for chartering agencies.
- ❖ Convene a national conference for federal charter school grantees, and others, with a focus on sharing lessons learned about equity, performance accountability, effective management, leadership and partnerships, and cross-fertilization to noncharter schools.
- ❖ Support research studies to analyze the effects of charter schools in areas such as students with disabilities, assessment and accountability, fairness/equity, and school finance.
- ❖ Collect and disseminate information on charter school models that promote student achievement and innovation in the public school system and support the development of networks among charter schools that share this information.

# **ESEA, TITLE X, PART C--PUBLIC CHARTER SCHOOLS, as amended by the Charter Schools Expansion Act of 1998**

## **SEC. 10301. FINDINGS AND PURPOSE.**

(a) Findings.--The Congress finds that--

(1) enhancement of parent and student choices among public schools can assist in promoting comprehensive educational reform and give more students the opportunity to learn to challenging State content standards and challenging State student performance standards, if sufficiently diverse and high-quality choices, and genuine opportunities to take advantage of such choices, are available to all students;

(2) useful examples of such choices can come from States and communities that experiment with methods of offering teachers and other educators, parents, and other members of the public the opportunity to design and implement new public schools and to transform existing public schools;

(3) charter schools are a mechanism for testing a variety of educational approaches and should, therefore, be exempted from restrictive rules and regulations if the leadership of such schools commits to attaining specific and ambitious educational results for educationally disadvantaged students consistent with challenging State content standards and challenging State student performance standards for all students;

(4) charter schools, as such schools have been implemented in a few States, can embody the necessary mixture of enhanced choice, exemption from restrictive regulations, and a focus on learning gains;

(5) charter schools, including charter schools that are schools-within-schools, can help reduce school size, which reduction can have a significant effect on student achievement;

(6) the Federal Government should test, evaluate, and disseminate information on a variety of charter school models in order to help demonstrate the benefits of this promising educational reform; and

(7) there is a strong documented need for cash-flow assistance to charter schools that are starting up, because State and local operating revenue streams are not immediately available.

(b) Purpose.--It is the purpose of this part to increase national understanding of the charter schools model by--

(1) providing financial assistance for the planning, program design and initial implementation of charter schools;

(2) evaluating the effects of such schools, including the effects on students, student achievement, staff, and parents; and

(3) expanding the number of high-quality charter schools available to students across the Nation.

## **SEC. 10302. PROGRAM AUTHORIZED.**

(a) In General.--The Secretary may award grants to State educational agencies having applications approved pursuant to section 10303 to enable such agencies to conduct a charter school grant program in accordance with this part.

(b) Special Rule.--If a State educational agency elects not to participate in the program authorized by this part or does not have an application approved under section 10303, the Secretary may award a grant to an eligible applicant that serves such State and has an application approved pursuant to section 10303(c).

(c) Program Periods.--

(1) Grants to states.--Grants awarded to State educational agencies under this part shall be awarded for a period of not more than 3 years.

(2) Grants to eligible applicants.--Grants awarded by the Secretary to eligible applicants or subgrants awarded by State educational agencies to eligible applicants under this part shall be awarded for a period of not more than 3 years, of which the eligible applicant may use--

(A) not more than 18 months for planning and program design;

(B) not more than 2 years for the initial implementation of a charter school; and

(C) not more than two years to carry out dissemination activities described in section 10304(f)(6)(B).

(d) Limitation.-- A charter school may not receive --

(1) more than one grant for activities described in subparagraphs (A) and (B) of subsection (c)(2); or

(2) more than one grant for activities under subparagraph (C) of subsection (c)(2).

(e) Priority Treatment.--

(1) In General.--

(A) Fiscal Years 1999, 2000, and 2001.-- In awarding grants under this part for any of the fiscal years 1999, 2000, and 2001 from funds appropriated under section 10311 that are in excess of \$51,000,000 for the fiscal year, the Secretary shall give priority to States to the extent that the States meet the criteria described in paragraph (2) and one or more of the criteria described in subparagraph (A), (B), or (C) of paragraph (3).

Succeeding Fiscal Years.-- In awarding grants under this part for fiscal year 2002 or any succeeding fiscal year from any funds appropriated under section 10311 the Secretary shall give priority to States to the extent that the States meet the criteria described in paragraph (2) and one or more of the criteria described in subparagraph (A), (B), or (C) of paragraph (3).



(2) Review and Evaluation Priority Criteria.-- The criterion referred to in paragraph (1) is that the State provides for periodic review of each charter school, at least once every five years unless required more frequently by State law, to determine whether the charter school is meeting or exceeding the academic performance requirements and goals for charter schools as set forth under State law or the school's charter.

(3) Priority Criteria.-- The criteria referred to in paragraph (1) are the following:

(A) The State has demonstrated progress, in increasing the number of high quality charter schools that are held accountable in the terms of the schools' charters for meeting clear and measurable objectives for the educational progress of the students attending the schools, in the period prior to the period for which a State educational agency or eligible applicant applies for a grant under this part.

(B) The State--

(i) provides for one authorized public chartering agency that is not a local educational agency, such as a State chartering board, for each individual or entity seeking to operate a charter school pursuant to such a State law; or

(ii) in the case of a State in which local educational agencies are the only authorized public chartering agencies, allows for an appeals process for the denial of an application for a charter school.

(C) The State ensures that each charter school has a high degree of autonomy over the charter school's budgets and expenditures.

(f) Amount Criteria.-- In determining the amount of a grant to be awarded under this part to a State educational agency, the Secretary shall take into consideration the number of charter schools that are operating, or are approved to open, in the State.

## **SEC. 10303. APPLICATIONS.**

(a) Applications From State Agencies.--Each State educational agency desiring a grant from the Secretary under this part shall submit to the Secretary an application at such time, in such manner, and containing or accompanied by such information as the Secretary may require.

(b) Contents of a State Educational Agency Application.--Each application submitted pursuant to subsection (a) shall--

(1) describe the objectives of the State educational agency's charter school grant program and a description of how such objectives will be fulfilled, including steps taken by the State educational agency to inform teachers, parents, and communities of the State educational agency's charter school grant program;

(2) describe how the State educational agency--

(A) will inform each charter school in the State regarding--

(i) Federal funds that the charter school is eligible to receive; and

(ii) Federal programs in which the charter school may participate;

(B) will ensure that each charter school in the State receives the charter school's commensurate share of Federal education funds that are allocated by formula each year, including during the first year of operation of the charter school; and

(C) will disseminate best or promising practices of charter schools to each local educational agency in the State; and

(3) contain assurances that the State educational agency will require each eligible applicant desiring to receive a subgrant to submit an application to the State educational agency containing--

(A) a description of the educational program to be implemented by the proposed charter school, including--

(i) how the program will enable all students to meet challenging State student performance standards;

(ii) the grade levels or ages of children to be served; and

(iii) the curriculum and instructional practices to be used;

(B) a description of how the charter school will be managed;

(C) a description of--

(i) the objectives of the charter school; and

(ii) the methods by which the charter school will determine its progress toward achieving those objectives;

(D) a description of the administrative relationship between the charter school and the authorized public chartering agency;

(E) a description of how parents and other members of the community will be involved in the planning, program design and implementation of the charter school;

(F) a description of how the authorized public chartering agency will provide for continued operation of the school once the Federal grant has expired, if such agency determines that the school has met the objectives described in subparagraph (C)(i);

(G) a request and justification for waivers of any Federal statutory or regulatory provisions that the applicant believes are necessary for the successful operation of the charter school, and a description of any State or local rules, generally applicable to public schools, that will be waived for, or otherwise not apply to, the school;

(H) a description of how the subgrant funds or grant funds, as appropriate, will be used, including a description of how such funds will be used in conjunction with other Federal programs administered by the Secretary;

(I) a description of how students in the community will be--

(i) informed about the charter school; and

(ii) given an equal opportunity to attend the charter school;

(J) an assurance that the eligible applicant will annually provide the Secretary and the State educational agency such information as may be required to determine if the charter school is making satisfactory progress toward achieving the objectives described in subparagraph (C)(i);

(K) an assurance that the applicant will cooperate with the Secretary and the State educational agency in evaluating the program assisted under this part;

(L) a description of how a charter school that is considered a local educational agency under State law, or a local educational agency in which a charter school is located, will comply with sections 613(a)(5) and 613(e)(1)(B) of the Individuals with Disabilities Education Act;

(M) if the eligible applicant desires to use subgrant funds for dissemination activities under section 10302(c)(2)(C), a description of those activities and how those activities will involve charter schools and other public schools, local educational agencies, developers, and potential developers; and

(N) such other information and assurances as the Secretary and the State educational agency may require.

(c) Contents of Eligible Applicant Application.--Each eligible applicant desiring a grant pursuant to section 10302(b) shall submit an application to the State educational agency or Secretary, respectively, at such time, in such manner, and accompanied by such information as the State educational agency or Secretary, respectively, may reasonably require.

(d) Contents of Application.--Each application submitted pursuant to subsection (c) shall contain--

(1) the information and assurances described in subparagraphs (A) through (N) of subsection (b)(3), except that for purposes of this subsection subparagraphs (J), (K), and (N) of such subsection shall be applied by striking 'and the State educational agency' each place such term appears; and

## **SEC. 10304. ADMINISTRATION.**

(a) Selection Criteria for State Educational Agencies.--The Secretary shall award grants to State educational agencies under this part on the basis of the quality of the applications submitted under section 10303(b), after taking into consideration such factors as--

(1) the contribution that the charter schools grant program will make to assisting educationally disadvantaged and other students to achieving State content standards and State student performance standards and, in general, a State's education improvement plan;

(2) the degree of flexibility afforded by the State educational agency to charter schools under the State's charter schools law;

(3) the ambitiousness of the objectives for the State charter school grant program;

(4) the quality of the strategy for assessing achievement of those objectives;

(5) the likelihood that the charter school grant program will meet those objectives and improve educational results for students;

(6) the number of high quality charter schools created under this part in the State; and

(7) in the case of State educational agencies that propose to use grant funds to support dissemination activities under section 10302(c)(2)(C), the quality of those activities and the likelihood that those activities will improve student achievement.

(b) Selection Criteria for Eligible Applicants.--The Secretary shall award grants to eligible applicants under this part on the basis of the quality of the applications submitted under section 10303(c), after taking into consideration such factors as--

(1) the quality of the proposed curriculum and instructional practices;

(2) the degree of flexibility afforded by the State educational agency and, if applicable, the local educational agency to the charter school;

(3) the extent of community support for the application;

(4) the ambitiousness of the objectives for the charter school;

(5) the quality of the strategy for assessing achievement of those objectives;

(6) the likelihood that the charter school will meet those objectives and improve educational results for students; and

(7) in the case of an eligible applicant that proposes to use grant funds to support dissemination activities under section 10302(c)(2)(C), the quality of those activities and the likelihood that those activities will improve student achievement.

(c) Peer Review.--The Secretary, and each State educational agency receiving a grant under this part, shall use a peer review process to review applications for assistance under this part.

(d) Diversity of Projects.--The Secretary and each State educational agency receiving a grant under this part, shall award subgrants under this part in a manner that, to the extent possible, ensures that such grants and subgrants--

(1) are distributed throughout different areas of the Nation and each State, including urban and rural areas; and

(2) will assist charter schools representing a variety of educational approaches, such as approaches designed to reduce school size.

(e) Waivers.--The Secretary may waive any statutory or regulatory requirement over which the Secretary exercises administrative authority except any such requirement relating to the elements of a charter school described in section 10310(1), if--

- (1) the waiver is requested in an approved application under this part; and
- (2) the Secretary determines that granting such a waiver will promote the purpose of this part.

(f) Use of Funds.--

(1) State educational agencies.--Each State educational agency receiving a grant under this part shall use such grant funds to award subgrants to one or more eligible applicants in the State to enable such applicant to plan and implement a charter school in accordance with this part, except that the State educational agency may reserve not more than 10 percent of the grant funds to support dissemination activities described in paragraph (6).

(2) Eligible applicants.--Each eligible applicant receiving funds from the Secretary or a State educational agency shall use such funds to plan and implement a charter school, or to disseminate information about the charter school and successful practices in the charter school, in accordance with this part.

(3) Allowable activities.--An eligible applicant receiving a grant or subgrant under this part may use the grant or subgrant funds only for--

(A) post-award planning and design of the educational program, which may include--

(i) refinement of the desired educational results and of the methods for measuring progress toward achieving those results; and

(ii) professional development of teachers and other staff who will work in the charter school; and

(B) initial implementation of the charter school, which may include--

(i) informing the community about the school;

(ii) acquiring necessary equipment and educational materials and supplies;

(iii) acquiring or developing curriculum materials; and

(iv) other initial operational costs that cannot be met from State or local sources.

(4) Administrative expenses.--Each State educational agency receiving a grant pursuant to this part may reserve not more than 5 percent of such grant funds for administrative expenses associated with the charter school grant program assisted under this part.

(5) Revolving loan funds.--Each State educational agency receiving a grant pursuant to this part may reserve not more than 10 percent of the grant amount for the establishment of a revolving loan fund. Such fund may be used to make loans to eligible applicants that have received a subgrant under this part, under such terms as may be determined by the State educational agency, for the initial operation of the charter school grant program of such recipient until such time as the recipient begins receiving ongoing operational support from State or local financing sources.

(6) Dissemination.--

(A) In General.-- A charter school may apply for funds under this part, whether or not the charter school has applied for or received funds under this part for planning, program design, or implementation, to carry out the activities described in subparagraph (B) if the charter school has been in operation for at least 3 consecutive years and has demonstrated overall success, including--

- (i) substantial progress in improving student achievement;
- (ii) high levels of parent satisfaction; and
- (iii) the management and leadership necessary to overcome initial start-up problems and establish a thriving, financially viable charter school.

(B) Activities.-- A charter school described in subparagraph (A) may use funds reserved under paragraph (1) to assist other schools in adapting the charter school's program (or certain aspects of the charter school's program), or to disseminate information about the charter school, through such activities as--

- (i) assisting other individuals with the planning and start-up of one or more new public schools, including charter schools, that are independent of the assisting charter school and the assisting charter school's developers, and that agree to be held to at least as high a level of accountability as the assisting charter school;
- (ii) developing partnerships with other public schools, including charter schools, designed to improve student performance in each of the schools participating in the partnership;
- (iii) developing curriculum materials, assessments, and other materials that promote increased student achievement and are based on successful practices within the assisting charter school; and
- (iv) conducting evaluations and developing materials that document the successful practices of the assisting charter school and that are designed to improve student performance in other schools.

(g) Tribally Controlled Schools.-- Each State that receives a grant under this part and designates a tribally controlled school as a charter school shall not consider payments to a school under the Tribally Controlled Schools Act of 1988 (25 U.S.C. 2507) in determining--

- (1) the eligibility of the school to receive any other Federal, State or local aid; or
- (2) the amount of such aid.

## **SEC. 10305. NATIONAL ACTIVITIES.**

(a) In General.-- The Secretary shall reserve for each fiscal year the greater of 5 percent or \$5,000,000 of the amount appropriated to carry out this part, except that in no fiscal year shall the total amount so reserved exceed \$8,000,000, to carry out the following activities:

(1) To provide charter schools, either directly or through State educational agencies, with--

(A) information regarding--

(i) Federal funds that charter schools are eligible to receive; and

(ii) other Federal programs in which the charter schools may participate; and

(B) assistance in applying for Federal education funds that are allocated by formula, including assistance with filing deadlines and submission of applications.

(2) To provide for the completion of the 4-year national study (which began in 1995) of charter schools.

(3) To provide for other evaluations or studies that include the impact of charter schools on student achievement, including information regarding--

(A) students attending charter schools reported on the basis of race, age, disability, gender, limited English proficiency, and previous enrollment in public school; and

(B) the professional qualifications of teachers within a charter school and the turnover of the teaching force.

(4) To provide--

(A) information to applicants for assistance under this part;

(B) assistance to applicants for assistance under this part with the preparation of applications under section 10303;

(C) assistance in the planning and startup of charter schools;

(B) training and technical assistance to existing charter schools; and

(E) for the dissemination to other public schools of best or promising practices in charter schools.

(5) To provide (including through the use of one or more contracts that use a competitive bidding process) for the collection of information regarding the financial resources available to charter schools, including access to private capital, and to widely disseminate to charter schools any such relevant information and model description of successful programs.

(b) Construction.-- Nothing in this section shall be construed to require charter schools to collect any data described in subsection (a).

## **SEC. 10306. FEDERAL FORMULA ALLOCATION DURING FIRST YEAR AND FOR SUCCESSIVE ENROLLMENT EXPANSIONS.**

(a) In General.-- For purposes of the allocation to schools by the States or their agencies of funds under part A of title I, and any other Federal funds which the Secretary allocates to States on a formula basis, the Secretary and each State educational agency shall take such measures not later than 6 months after the date of the Charter School Expansion Act of 1998 as are necessary to ensure that every charter school receives the Federal funds for which the charter school is eligible not later than 5 months after the charter school first opens, notwithstanding the fact that the identity and characteristics of the students enrolling in the charter school are not fully and completely determined until that charter school actually opens. The measures similarly shall ensure that every charter school expanding its enrollment in any subsequent year of operation receives the Federal funding for which the charter school is eligible not later than 5 months after such expansion.

(b) Adjustment and Late Openings.--

(1) In General.-- The measures described in subsection (a) shall include provision for appropriate adjustments, through recovery of funds or reduction of payments for the succeeding year, in cases where payments made to a charter school on the basis of estimated or projected enrollment data exceed the amounts that the school is eligible to receive on the basis of actual or final enrollment data.

(2) Rule.-- For charter schools that first open after November 1 of any academic year, the State, in accordance with guidance provided by the Secretary and applicable Federal statutes and regulations, shall ensure that such charter schools that are eligible for the funds described in subsection(a) for such academic year have a full and fair opportunity to receive those funds during the charter schools' first year of operation.

## **SEC. 10307. SOLICITATION OF INPUT FROM CHARTER SCHOOL OPERATORS.**

To the extent practicable, the Secretary shall ensure that administrators, teachers, and other individuals directly involved in the operation of charter schools are consulted in the development of any rules or regulations required to implement this part, as well as in the development of any rules or regulations relevant to charter schools that are required to implement part A of title I, the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), or any other program administered by the Secretary that provides education funds to charter schools or regulates the activities of charter schools.



## **SEC. 10308. RECORDS TRANSFER.**

State educational agencies and local educational agencies, to the extent practicable, shall ensure that a student's records and, if applicable, a student's individualized education program as defined in section 602(11) of the Individuals with Disabilities Education Act (20 U.S.C. 1401(11)), are transferred to a charter school upon the transfer of the student to the charter school, and to another public school upon the transfer of the student from a charter school to another public school, in accordance with applicable State law.

## **SEC. 10309. PAPERWORK REDUCTION.**

To the extent practicable, the Secretary and each authorized public chartering agency shall ensure that the implementation of this part results in a minimum of paperwork for any eligible applicant or charter school.

## **SEC. 10310. DEFINITIONS.**

As used in this part:

(1) The term `charter school' means a public school that--

(A) in accordance with a specific State statute authorizing the granting of charters to schools, is exempted from significant State or local rules that inhibit the flexible operation and management of public schools, but not from any rules relating to the other requirements of this paragraph;

(B) is created by a developer as a public school, or is adapted by a developer from an existing public school, and is operated under public supervision and direction;

(C) operates in pursuit of a specific set of educational objectives determined by the school's developer and agreed to by the authorized public chartering agency;

(D) provides a program of elementary or secondary education, or both;

(E) is nonsectarian in its programs, admissions policies, employment practices, and all other operations, and is not affiliated with a sectarian school or religious institution;

(F) does not charge tuition;

(G) complies with the Age Discrimination Act of 1975, title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, and part B of the Individuals with Disabilities Education Act;

(H) is a school to which parents choose to send their children, and that admits students on the basis of a lottery, if more students apply for admission than can be accommodated;

(I) agrees to comply with the same Federal and State audit requirements as do other elementary and secondary schools in the State, unless such requirements are specifically waived for the purpose of this program;

(J) meets all applicable Federal, State, and local health and safety requirements;

(K) operates in accordance with State law; and

(L) has a written performance contract with the authorized public chartering agency in the State that includes a description of how student performance will be measured in charter schools pursuant to State assessments that are required of other schools and pursuant to any other assessments mutually agreeable to the authorized public chartering agency and the charter school.

(2) The term `developer' means an individual or group of individuals (including a public or private nonprofit organization), which may include teachers, administrators and other school staff, parents, or other members of the local community in which a charter school project will be carried out.

(3) The term `eligible applicant' means an authorized public chartering agency participating in a partnership with a developer to establish a charter school in accordance with this part.

(4) The term `authorized public chartering agency' means a State educational agency, local educational agency, or other public entity that has the authority pursuant to State law and approved by the Secretary to authorize or approve a charter school.

## **SEC. 10311. AUTHORIZATION OF APPROPRIATIONS.**

For the purposes of carrying out this part, there are authorized to be appropriated \$100,000,000 for fiscal year 1999 and such sums as may be necessary for each of the four succeeding fiscal years.

# Public Charter Schools Program

## Nonregulatory Guidance

### For-Profit Entities, Private School Conversions, Admissions, and Lotteries

The Public Charter Schools Program (PCSP) was originally authorized in October 1994, and reauthorized in October 1998, by the Charter School Expansion Act of 1998, Title X, Part C of the Elementary and Secondary Education Act of 1965 (ESEA), as amended, 20 U.S.C. 8061-8067. The program, which provides support for the planning, program design, and initial implementation of charter schools, is intended to enhance parent and student choices among public schools and give more students the opportunity to learn to challenging standards. However, enhancement of parent and student choices will result in higher student achievement only if sufficiently diverse and high-quality choices, and genuine opportunities to take advantage of such choices, are available to *all* students. Every student should have an equal opportunity to attend a public charter school.

This nonregulatory guidance applies only to charter schools receiving Federal start-up grants under the PCSP. It addresses questions the Department has received regarding various provisions of the PCSP statute, including those related to student admissions to public charter schools, the use of lotteries, private school conversions, and the involvement of for-profit organizations in charter schools. These guidelines do not contain all of the information you will need to comply with PCSP requirements, but are intended merely to provide guidance on the PCSP and on examples of ways to implement it. For additional information about the PCSP, please contact the PCSP Office, U.S. Department of Education, 400 Maryland Avenue, S.W., Room 3E122, Washington, D.C. 20202-6140. Telephone (202) 260-2671.

- **What is the purpose of the PCSP?**

The purpose of the PCSP is to expand the number of high-quality charter schools available to students across the Nation by providing financial assistance for their planning, design, and initial implementation; and evaluating the effects of charter schools, including the effects on students (in particular, student achievement), staff, and parents.

- **In addition to Title X, Part C of the ESEA, what other Federal statutory and regulatory authorities apply to the PCSP?**

Recipients of funds under this program should be aware of the following statutory requirements in addition to Title X, Part C of the ESEA: the definitions set out in Title XIV of the ESEA, which establishes general provisions for all programs authorized under the ESEA; Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, and national origin; Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex; Section 504 of the Rehabilitation Act of 1973, which prohibits discrimination on the basis of disability; the Age Discrimination Act of 1975, which prohibits discrimination on the basis of age; Title II of the Americans with

Disabilities Act of 1990, which prohibits discrimination on the basis of disability by public entities, including public charter schools and public school districts, regardless of whether they receive Federal financial assistance; and Part B of the Individuals with Disabilities Education Act, which requires States to make available a free appropriate public education to children with disabilities. The Education Department General Administrative Regulations (EDGAR), Parts 75, 76, 77, 79, 80, 81, 82, 85, and 86 also apply to this program.

- **Who is eligible to apply for a PCSP grant?**

State educational agencies (SEAs) in States with a specific State statute authorizing the establishment of charter schools are eligible to apply for PCSP grants. An “eligible applicant,” defined as an authorized public chartering agency in partnership with a charter school developer, in such States may apply to the SEA for a subgrant. If a State elects not to participate in the PCSP or is denied funding, an eligible applicant may apply directly to the Department for a grant.

- **How may PCSP planning and implementation grant funds be used?**

SEAs may use PCSP funds to award subgrants to charter schools in the State, and charter schools may use the funds only for post-award planning and design of the educational program, and initial implementation of a charter school. SEAs may also reserve up to 5 percent of PCSP grant funds for administrative expenses related to operating the charter school grant program, and up to 10 percent of the PCSP grant funds to support dissemination activities. These dissemination activities are carried out through separate dissemination grants to charter schools.

- **What are dissemination grants?**

Dissemination grants are awarded to charter schools to support activities that help open new public schools (including public charter schools) or share the lessons learned by charter schools with other public schools. The following activities may qualify as dissemination activities: (a) assisting other individuals with the planning and start-up of one or more new public schools, including charter schools, that are independent of the assisting charter school and its developers, and that agree to be held to at least as high a level of accountability as the assisting charter school; (b) developing partnerships with other public schools designed to improve student performance; (c) developing curriculum materials, assessments, and other materials that promote increased student achievement and are based on successful practices within the assisting charter school; and (d) conducting evaluations and developing materials that document the successful practices of the assisting charter school that are designed to improve student performance in other schools.

A charter school may not use dissemination grant funds, either directly or through a contractor, for marketing or recruitment activities designed to promote itself or the programs offered by it or by a contractor to parents or the community. In particular, grant funds may be used to develop materials documenting successful practices of the charter school for the educational purpose of assisting other schools in improving student achievement, but not for

the purpose of recruiting students or promoting the program of the school or its contractor. Any charter school receiving a dissemination grant should provide thorough and high-quality information that meets the needs of other schools trying to learn from the charter school's experience.

- **Who is eligible to apply for a dissemination grant?**

A charter school may apply for a dissemination grant, regardless of whether it has applied for or received a planning or implementation grant under the PCSP, if the charter school has been in operation for at least three (3) consecutive years and has demonstrated overall success, including (a) substantial progress in improving student achievement; (b) high levels of parent satisfaction; and (c) the management and leadership necessary to overcome initial start-up problems and establish a thriving, financially viable charter school. For more information about dissemination grants, see section 10304(6) of the ESEA, 20 U.S.C. 8064(6).

- **Is a for-profit entity that holds a legal charter eligible to apply for a PCSP grant or subgrant?**

A for-profit entity does not qualify as an eligible applicant for purposes of the PCSP. A charter school receiving PCSP funds may enter into a contract with a for-profit entity to have the for-profit entity manage the charter school on a day-to-day basis. However, it should be emphasized that if the charter school enters into such a contract, the charter school must be held by the State and the cognizant chartering authority to the same standards of public accountability and requirements that apply to all public charter schools, including State student performance standards and assessments that apply to all public schools; and the charter school must supervise the administration of the PCSP grant and is directly responsible for ensuring that grant funds are used in accordance with statutory and regulatory requirements (See EDGAR, Part 75, Subpart F).

- **Is a private school eligible to receive PCSP funds?**

Only charter schools that meet the definition of a charter school under the ESEA are eligible to receive PCSP funds. Section 10310(1) defines a charter school as, among other things, a "public school" that is created by a developer as a public school, or adapted by a developer from an existing public school, and operated under public supervision and direction. See ESEA § 10310(1) for the definition of a charter school for purposes of the PCSP.

- **Can a private school be converted into a public charter school?**

As stated above, the ESEA defines a charter school as a newly created public school or one adapted from an existing public school. There is no provision nor mechanism in the law for converting private schools into public charter schools. The ESEA does not foreclose a newly created public school from using resources previously used by a closed private school or from involving the parents and teachers who may have been involved in the closed private school. However, any newly created public school must be just that; it cannot be a continuation of a private school under a different guise. The public charter school must be separate and apart from any private school. It must be established as a public school, and comply with applicable State and federal laws regarding public schools.

In its creation, development, and operation, the charter school cannot have any affiliation with a sectarian school or religious institution. Because a newly created public school would not have any "previously enrolled" students, *all* students would need to apply for admission and would have to be selected by lottery if there are more applicants than spaces available. Similarly, the charter school must inform the community of its public school status and have a fair and open admissions process. Outreach and recruitment efforts, such as radio advertisements or community meetings, should be designed to reach all segments of the parent community. The charter school must recruit in a manner that does not discriminate against students of a particular race, color, national origin, or sex, or students with disabilities. It may not discriminate on the basis of race, color, national origin, sex, or disability in its programs or activities.

- **What is a lottery for purposes of the PCSP?**

A lottery is a random selection process by which applicants for admission to a public charter school are admitted to the charter school.

- **Under what circumstances must a charter school use a lottery?**

A charter school receiving PCSP funds must use a lottery if more students apply for admission to the charter school than can be accommodated. A charter school with fewer applicants than spaces available does not need to conduct a lottery.

- **Are weighted lotteries permissible?**

Weighted lotteries are permitted only when they are necessary to comply with Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, the Equal Protection Clause of the Constitution, or a State law requiring desegregation.

- **May a charter school exempt certain categories of applicants from the lottery and admit them automatically?**

A charter school that is oversubscribed and, consequently, must use a lottery, generally must include in that lottery all eligible applicants for admission. A charter school may exempt from the lottery only those students who are deemed to have been admitted to the charter school already and, therefore, do not need to reapply. Specifically, the following categories of applicants may be exempted from the lottery: (1) students who are enrolled in a public school at the time it is converted into a public charter school; (2) siblings of students already admitted to or attending the same charter school; and (3) children of a charter school's founders (as long as the total number of students allowed under this exemption constitutes only a small percentage of the school's total enrollment). Once a student has been admitted to the charter school through an appropriate process, he or she may remain in attendance through subsequent grades. A new applicant for admission to the charter school, however, would be subject to the lottery if, as of the application closing date, the total number of applicants exceeds the number of spaces available at the charter school.

To be eligible for Federal start-up grants, a charter school's admissions practices must comply with State law and applicable Federal laws. Accordingly, the exemptions discussed above are permissible only to the extent that they are consistent with State law regarding desegregation, the school's charter, and any applicable Title VI desegregation plans or court orders requiring desegregation. A charter school's admissions practices must also comply with Part B of the Individuals with Disabilities Education Act and Federal civil rights laws, including, but not limited to, Title VI of the Civil Rights Act of 1964; Section 504 of the Rehabilitation Act of 1973; and Title II of the Americans with Disabilities Act of 1990, as applicable.

- **May a charter school receiving PCSP funds set minimum eligibility criteria for admission to the charter school?**

The ESEA does not specifically prohibit charter schools from setting minimum qualifications for determining who is eligible to enroll in a charter school and, thus, to be included in the lottery. Charter schools receiving PCSP funds are required, however, to inform students in the community about the charter school and give them an "equal opportunity to attend the charter school." Thus, a charter school may set minimum qualifications for admission only to the extent that such qualifications are (a) consistent with the statutory purposes of the PCSP; (b) reasonably necessary to achieve the educational mission of the charter school; and (c) consistent with civil rights laws and Part B of the Individuals with Disabilities Education Act. A major purpose of the PCSP, for example, is to assist "educationally disadvantaged" and other students to achieve to challenging State content and performance standards.

In light of this purpose, it is unlikely that an elementary charter school could justify establishing minimum qualifications for admission, regardless of the school's mission or purpose. On the other hand, a secondary charter school might be able to justify certain admission requirements that target disadvantaged students and are consistent with the above-described purposes. For example, an alternative secondary school might have admissions

qualifications related to a purpose to serve students who have dropped out of school, or a secondary school for the performing arts might require that applicants for admission be able to demonstrate a minimum level of competence in the performing arts. Such requirements might measure the capacity of the student to benefit from and contribute to the purpose of the school.

In establishing any such admissions criteria, a secondary charter school should consider multiple measures of a student's ability to benefit from the educational program, and must ensure -- consistent with Federal civil rights laws and Part B of the Individuals with Disabilities Education Act -- that such factors are not used in a manner that inappropriately restricts access to the charter school. It should not, for example, use a test as a sole criterion to determine a student's ability to benefit from the school's program. The secondary charter school should target all segments of the parent community in its outreach efforts, and should recruit in a manner that does not discriminate against students of a particular race, color, national origin, or sex, or against students with disabilities.



**Section B**  
**Application Instructions and Forms**

**General Instructions**

**Standard Form 424 and Instructions**

**ED Form 524 and Instructions**

**Program Narrative Instructions**

# **APPLICATION INSTRUCTIONS AND FORMS**

## **Application Order**

To compete for an award under this program competition, your completed application should be organized in the following order and include the following parts:

Part I: Application for Federal Assistance (Standard Form 424 (Rev. 4-88)).

Part II: Budget Information and Instructions (Standard Form 524).

Part III: Budget Narrative.

Part IV: Program Narrative.

Part V. Assurances and Certifications.

No grant may be awarded unless a complete application form has been received.

## **REQUIRED FORMS**

- Cover Page – ED Form 424 and instructions
- Budget Summary Form – ED Form 524 and instructions
- Standard Form 424B--Assurances, Non-Construction Programs
- Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements – ED Form 80-0013
- Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -- Lower Tier Covered Transactions – ED Form 80-0014
- Disclosure of Lobbying Activities – Standard Form LLL

The forms listed above are required in all application submissions. They are included in the printed application package, but not in the electronic package on the ED web site. If you download the electronic package, you must also download the required forms, which are available at:

<http://ocfo.ed.gov/grntinfo/appforms.htm>

If you do not have access to this web site, please fax your request for these forms to (202) 208-3882. Please be sure to include your return fax number and/or mailing address.

## **Pitfalls to Avoid in Responding to Item 11 of the ED 424**

*(Human Subjects Item on Application for Federal Education Assistance)*

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In 1998, the U.S. Department of Education (ED) began using in all grant application packages a revised version of the Application for Federal Education Assistance (ED 424). The ED 424 contains a new item, item #11, which requests information about the protection of human research subjects in projects funded by ED. To minimize the need for ED-requested revisions to item 11 responses, we have prepared a list of pitfalls to avoid. We have also tightened up the instructions for item 11 to specify where in the application, if necessary, the applicant should insert 1) the information we need to determine if designated exemptions to the Regulations for the Protection of Human Subjects are appropriate or 2) the six-point narrative required when nonexempt research activities involving human subjects are planned.

### **The following are the most common responses that result in ED-requested revisions to item 11 of the ED 424.**

1. The applicant did not check the "Yes" or the "No" box. One of the boxes must be checked.
2. The applicant checked "No," but the proposal suggests that research activities involving human subjects are planned. If research activities involving human subjects are planned, whether or not those activities are exempt under the ED regulations, "Yes" must be checked.
3. The applicant checked "No" but also responded to other parts of item 11. If "No" is checked, do not respond to the remaining parts of item 11.
4. The applicant checked "Yes" and designated one or more exemption(s) in 11a., indicating that all the research activities involving human subjects are exempt, but also provided information in 11 b. or 11c.
  - a. If all the research activities are exempt, do not respond to the remaining parts of item 11, even if the applicant voluntarily submits the proposal to the Institutional Review Board for review.
  - b. If some or all of the research activities are covered (nonexempt), skip 11 a. and go directly to 11b.
5. The applicant checked "Yes" and entered one or more exemption number(s) in 11a. but overlooked the requirement to provide the information we need to determine if the designated exemptions are appropriate. The narrative information about the designated exemptions should be provided in an "Item 11/Protection of Human Subjects Attachment" and be inserted immediately following the ED 424 face page. The narrative must be succinct.
6. The applicant checked "Yes" and did not designate exemption(s), but failed to provide the six-point research activities narrative outlined in "Instructions to Applicants about the Narrative Information that Must Be Provided if Research Activities Involving Human Subjects are Planned" in Protection of Human Subjects in Research (Attachment to ED 424). The narrative is required when covered (nonexempt) research activities involving human subjects are planned. The six-point narrative should be provided in an "Item 11/Protection of Human Subjects Attachment" and be inserted immediately following the ED 424 face page. The narrative must be succinct.

For additional information, please visit our Protection of Human Subjects web site at:  
<http://ocfo.ed.gov/humansub.htm>.

## **Program Narrative Instructions**

Provide a one-page abstract describing your program background, goal(s), purpose(s), intended audience, and any special features on how the program operates. The remaining program narrative should follow the order of the application requirements and selection criteria in the Public Charter Schools Program statute (see section A of this application booklet).

### **Specifically, each SEA application shall --**

- (1) Describe the objectives of the SEA's charter school grant program and a description of how such objectives will be fulfilled, including steps taken by the SEA to inform teachers, parents, and communities of the State educational agency's charter school grant program;
- (2) Describe how the SEA will inform each charter school in the State regarding Federal funds that the charter school is eligible to receive; and Federal programs in which the charter school may participate;
- (3) Describe how the SEA will ensure that each charter school in the State receives the charter school's commensurate share of Federal education funds that are allocated by formula each year, including during the first year of operation of the charter school;
- (4) Describe how the SEA will disseminate best or promising practices of charter schools to each local educational agency in the State;
- (5) Describe the contribution that the charter schools grant program will make to assisting educationally disadvantaged and other students to achieving State content standards and State student performance standards and, in general, a State's education improvement plan; the degree of flexibility afforded by the State educational agency to charter schools under the State's charter schools law; the ambitiousness of the objectives for the State charter school grant program; the quality of the strategy for assessing achievement of those objectives; the likelihood that the charter school grant program will meet those objectives and improve educational results for students; the number of high quality charter schools created under this part in the State; and in the case of State educational agencies that propose to use grant funds to support dissemination activities under section 10302(c)(2)(C), the quality of those activities and the likelihood that those activities will improve student achievement;
- (6) If an SEA elects to reserve part of the grant funds for the establishment of a revolving loan fund, describe how the revolving loan fund would operate; and
- (7) If an SEA desires the Secretary to consider waivers under the authority of the Public Charter Schools Program, the application shall contain a request and justification for any waiver of statutory or regulatory provisions that the SEA believes are necessary for the successful operation of a charter school.

### **Each non-SEA application shall--**

- (1) Describe the educational program to be implemented by the proposed charter school,

including how the program will enable educationally disadvantaged and other students to meet challenging State student performance standards, the grade levels or ages of students to be served, and the curriculum and instructional practices to be used;

(2) Describe how the charter school will be managed;

(3) Describe the objectives of the charter school and the methods by which the charter school will determine its progress toward achieving those objectives;

(4) Describe the administrative relationship between the charter school and the authorized public chartering agency;

(5) Describe how parents and other members of the community will be involved on the design and implementation of the charter school;

(6) Describe how the authorized public chartering agency will provide for continued operation of the charter school once the Federal grant has expired, if the agency determines that the charter school has met its objectives;

(7) Describe how the grant funds will be used, including how these funds will be used in conjunction with other Federal programs administered by the Secretary;

(8) Describe how students in the community will be informed about the charter school and be given an equal opportunity to attend;

(9) Describe the extent of community support for the application; and

(10) If the applicant plans to use grant funds for dissemination under 10302(c)(2)(C) of the program statute, the applicant shall describe those activities and how those activities will involve charter schools and other public schools, local educational agencies, developers, and potential developers.

### **Page Limits, Type Size and Margins**

The Secretary strongly requests the applicant to limit the application narrative to no more than 50 double-spaced, typed pages (on one side only) including the abstract, bibliography, charts, graphs, and appendices. Each page must be numbered with the numbers placed within the one-inch top or bottom margin. Do not include any unnumbered pages. If using a proportional computer font, use no smaller than a 12-point font. If using a nonproportional computer font or a typewriter, do not use more than 10 characters to the inch. The instructions on this page are printed in an appropriate type size.

**PUBLIC CHARTER SCHOOLS PROGRAM  
ASSURANCES -- STATE EDUCATIONAL AGENCIES**

Pursuant to Sections 10303(b)(2) and 10304(c), (d), and (f)(1) of Public Law 103-382, a State educational agency (SEA) applying for a grant under the Public Charter Schools Program must contain the following assurances.

As the duly authorized representative of the applicant I certify that the applicant:

1. Will require each eligible applicant desiring to receive a subgrant to submit an application to the SEA containing--
  - (A) A description of the educational program to be implemented by the proposed charter school, including (i) how the program will enable all students to meet challenging State student performance standards; (ii) the grade levels or ages of children to be served; and (iii) the curriculum and instructional practices to be used;
  - (B) A description of how the charter school will be managed;
  - (C) A description of (i) the objectives of the charter school; and (ii) the methods by which the charter school will determine its progress toward achieving those objectives;
  - (D) A description of the administrative relationship between the charter school and the authorized public chartering agency;
  - (E) A description of how parents and other members of the community will be involved in the design and implementation of the charter school;
  - (F) A description of how the authorized public chartering agency will provide for continued operation of the school once the Federal grant has expired, if the agency determines that the school has met the objectives described in subparagraph (C)(i);
  - (G) A request and justification for waivers of any Federal statutory or regulatory provisions that the applicant believes are necessary for the successful operation of the charter school, and a description of any State or local rules, generally applicable to public schools, that will be waived for, or otherwise not apply to, the school;
  - (H) A description of how the subgrant funds will be used, including a description of how these funds will be used in conjunction with other Federal programs administered by the Secretary;

- (I) A description of how students in the community will be (i) informed about the charter school; and (ii) given an equal opportunity to attend the charter school;
- (J) An assurance that the eligible applicant will annually provide the Secretary and the SEA information as may be required to determine if the charter school is making satisfactory progress toward achieving the objectives described in subparagraph (C)(i);
- (K) An assurance that the applicant will cooperate with the Secretary and the SEA in evaluating the program assisted under this program;
- (L) A description of how a charter school that is considered a local educational agency under State law, or a local educational agency in which a charter school is located, will comply with sections 613(a)(5) and 613(e)(1)(B) of the Individuals with Disabilities Education Act;
- (M) If the eligible applicant desires to use subgrant funds for dissemination activities under section 10302(c)(2)(C), a description of those activities and how those activities will involve charter schools and other public schools, local educational agencies, developers, and potential developers; and
- (N) Other information and assurances as the Secretary and the SEA may require;

2. Contain assurances that the SEA will --

- (A) Award subgrants under this program in a manner that, to the extent possible, subgrants are distributed throughout different areas of the State, including urban and rural areas;
- (B) Assist charter schools representing a variety of educational approaches, such as approaches to reduce school size;
- (C) Use the grant funds to award subgrants to one or more eligible applicants in the State to enable the applicant to plan and implement a charter school in accordance with this program; and
- (D) Use a peer review process to review applications for subgrants.

\_\_\_\_\_  
SIGNATURE OF AUTHORIZED OFFICIAL

\_\_\_\_\_  
TITLE

\_\_\_\_\_  
APPLICANT ORGANIZATION

\_\_\_\_\_  
DATE SUBMITTED



**PUBLIC CHARTER SCHOOLS PROGRAM**  
**ASSURANCES --ELIGIBLE APPLICANTS THAT ARE NOT SEAs**

Pursuant to Sections 10303(d) and 10304(f)(2) of Public Law 103-382, an eligible applicant that is not a State educational agency (SEA) applying for a grant under the Public Charter Schools Program must contain the following assurances.

As the duly authorized representative of the applicant I certify that the applicant will submit to the Secretary:

- (A) A description of the educational program to be implemented by the proposed charter school, including (i) how the program will enable all students to meet challenging State student performance standards; (ii) the grade levels or ages of children to be served; and (iii) the curriculum and instructional practices to be used;
- (B) A description of how the charter school will be managed;
- (C) A description of (i) the objectives of the charter school; and (ii) the methods by which the charter school will determine its progress toward achieving those objectives;
- (D) A description of the administrative relationship between the charter school and the authorized public chartering agency;
- (E) A description of how parents and other members of the community will be involved in the design and implementation of the charter school;
- (F) A description of how the authorized public chartering agency will provide for continued operation of the school once the Federal grant has expired, if the agency determines that the school has met the objectives described in subparagraph (C)(i);
- (G) A request and justification for waivers of any Federal statutory or regulatory provisions that the applicant believes are necessary for the successful operation of the charter school, and a description of any State or local rules, generally applicable to public schools, that will be waived for, or otherwise not apply to, the school;
- (H) A description of how the subgrant funds will be used, including a description of how these funds will be used in conjunction with other Federal programs administered by the Secretary;
- (I) A description of how students in the community will be (i) informed about the charter school; and (ii) given an equal opportunity to attend the charter school;
- (J) An assurance that the eligible applicant will annually provide the Secretary information as may be required to determine if the charter school is making satisfactory progress toward achieving the objectives described in subparagraph (C)(i);

- (K) An assurance that the applicant will cooperate with the Secretary in evaluating the program assisted under this program;
- (L) A description of how a charter school that is considered a local educational agency under State law, or a local educational agency in which a charter school is located, will comply with sections 613(a)(5) and 613(e)(1)(B) of the Individuals with Disabilities Education Act;
- (M) If the eligible applicant desires to use subgrant funds for dissemination activities under section 10302(c)(2)(C), a description of those activities and how those activities will involve charter schools and other public schools, local educational agencies, developers, and potential developers; and
- (N) Other information and assurances as the Secretary may require;
- (O) An assurance that the SEA will grant, or will obtain, waivers of State statutory or regulatory requirements;
- (P) An assurance that the SEA will assist each eligible applicant in the State in receiving applicable waivers; and
- (Q) An assurance that the eligible applicant will use the funds to plan and implement a charter school in accordance with the Public Charter Schools Program.

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SIGNATURE OF AUTHORIZED OFFICIAL

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TITLE

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APPLICANT ORGANIZATION

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DATE SUBMITTED

**Section C**  
**Transmittal Instructions and Checklist**

**Application Transmittal Instructions**

**Application Checklist**

**Common Questions and Answers**

**Burden Statement**

## **APPLICATION TRANSMITTAL INSTRUCTIONS**

Please send an original and three (2) complete copies of your application.

The application must be mailed or hand-delivered by the closing date.

### **Applications Sent by Mail**

All applications sent by mail must be addressed to the U.S. Department of Education, Coordination and Control Branch, Attention: CFDA # 84.282A, 600 Independence Avenue, SW, Washington, D.C. 20202-4725.

An application must show proof of mailing consisting of one of the following:

- (1) A legibly dated U.S. Postal Service postmark.
- (2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.
- (3) A dated shipping label, invoice, or receipt from a commercial carrier.
- (4) Any other proof of mailing acceptable to the U.S. Secretary of Education.

If an application is sent through the U.S. Postal Service, the Secretary does not accept either of the following as proof of mailing:

- (1) A private metered postmark, or
- (2) A mail receipt that is not dated by the U.S. Postal Service.

An applicant should note that the U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

An applicant is encouraged to use registered or at least first class mail.

Each late applicant will be notified that its application will not be considered.

### **Applications Delivered by Hand/Courier Service**

An application that is hand delivered must be taken to the U.S. Department of Education, Coordination and Control Branch, Room 3633, General Services Administration National Capital Region, 7th and D Streets, SW, Washington, D.C. 20202-4725.

The Coordination and Control Branch will accept deliveries between 8:00 a.m., and 4:30 p.m. (Washington, D.C.) daily, except Saturdays, Sundays and Federal holidays.

Individuals delivering applications must use the D Street Entrance. Proper identification is necessary to enter the building.

In order for an application sent through a Courier Service to be considered timely, the Courier Service must be in receipt of the application on or before the closing date.

### **Grant Application Receipt Acknowledgement**

If you do not receive the notification of application receipt within fifteen (15) days from the closing date, call:

U.S. Department of Education  
Coordination and Control Branch  
(202) 708-9495

## APPLICATION CHECKLIST

Does your application include each of the following?

- ☐ Cover page (SF 424)
- ☐ Budget form (ED Form 524)
- ☐ Budget narrative
- ☐ Program narrative, including abstract
- ☐ Required Assurances and Certifications

Did You --

- ☐ Address each of the selection criteria in the program narrative?
- ☐ Address each of the required contents of an application in the program narrative?
- ☐ Provide one (1) original plus (2) copies of the Application?
- ☐ Include all required forms with original signatures and dates?
- ☐ Submit a copy of the application to the State Single Point of Contact? [if applicable]
- ☐ Mail\* Application To: **OR** Hand-deliver\* Application To:

### PUBLIC CHARTER SCHOOLS PROGRAM

ATTN: 84.282A \_\_\_\_\_

U.S. Department of Education  
Coordination and Control Branch  
400 Maryland Avenue, SW  
Washington, DC 20202-4725

U.S. Department of Education  
Coordination & Control Branch  
7th & D Streets, SW, Room 3633  
Washington, DC 20202-4725

\*Must be postmarked no later than May 31, 1999 or hand-delivered by 4:30 p.m. no later than May 31, 1999.

## COMMON QUESTIONS AND ANSWERS

- Q. What happens to my application after it is received in the Department?
- A. The Department's Coordination and Control Branch receives each application, assigns each an identifying number (PR/Award number), confirms receipt of applications, and sends the applications to the appropriate program office, which screens them for eligibility. The program conducts a peer review of all eligible applications sent to a program competition, ranks them and recommends the highest ranked applications for funding with exceptions as provided by law. The Assistant Secretary for the applicable program reviews the program office's recommendations, checks the adequacy of the documentation supporting the recommendations, and approves a final list, or slate, of recommended projects and funding amounts. The final slate is forwarded to Grant and Contract Services, Grants Division, which negotiates the recommendations with the successful applicants and awards the grants.
- Q. What happens to my application if the Department finds it to be ineligible?
- A. The Department returns an application that does not meet the eligibility criteria for the particular program. A letter from the Department explaining why it is not being reviewed in the competition accompanies the application.
- Q. How does the Department review an application?
- A. Each application is assessed by knowledgeable persons from outside and sometimes inside the Department who are asked for their judgements about the quality and significance of the proposed project. These persons represent a diversity of disciplines and institutional, regional, and cultural backgrounds. The advice of these experts is compiled by Departmental staff who comment on matters of fact or on significant issues that would otherwise be missing from the review. The results are then presented to the Assistant Secretary responsible for the program who approves the recommendations for funding.
- Q. What criteria do the reviewers use when scoring an application?
- A. Reviewers will assess the quality of each application using the selection criteria in the statute authorizing the program. These selection criteria can be found in the Public Charter Schools Program statute in Section A of this application package.
- Q. Is a recommended application guaranteed funding?
- A. No. Funding is not final until negotiations have been successfully concluded and a grant award notification has been signed by the grants office and mailed to the applicant.

- Q. How long does it take the Department to complete the review process?
- A. The application review and slate preparation takes approximately 6 - 8 weeks. The negotiation and award takes an additional 6 - 8 weeks. However, because this application process is taking place so near the end of the fiscal year, these time frames will be condensed accordingly so that awards can be made by September 30, 1998.
- Q. Can changes in the size of subsequent year awards be made after the multi-year budget has been negotiated?
- A. Yes, a grantee can renegotiate his or her multi-year budget and may be awarded additional funds if sufficient justification is presented to the Secretary and funds are available. Also, funds can be decreased if it is determined that the multi-year budget was overestimated.
- Q. How will funding continuation decisions be made if the Department is phasing out the use of non-competing continuation applications after fiscal year 1995?
- A. Grantees will be required to complete annual performance reports that describe the projects' accomplishments, evaluations, and finances. These performance reports, along with other information, will be used by the Department to decide whether to continue funding projects.

## ESTIMATED PUBLIC REPORTING BURDEN

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 1810-0570. Expiration date: 07/31/2001. The time required to complete this information collection is estimated to average 24 hours per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection. If you have any comments concerning the accuracy of the time estimate[s] or suggestions for improving this form, please write to: U.S. Department of Education, Washington, D.C. 20202-4651.

If you have comments or concerns regarding the status of your individual submission of this form, write directly to: Public Charter Schools Program, U.S. Department of Education, 400 Maryland Avenue, S.W., Room 3E122, Washington D.C. 20202-6140.



**Section D**  
**Other Important Information and Notices**

**Notice to All Applicants: Section 427 of GEPA**

**Executive Order 12372 and State Single Points of Contact**

**Important Notice to Prospective Applicants**

**Grant Application Receipt Acknowledgment**

## **NOTICE TO ALL APPLICANTS**

Thank you for your interest in this program. The purpose of this enclosure is to inform you about a new provision in the Department of Education's General Education Provisions Act (GEPA) that applies to applicants for new grant awards under Department programs. This provision is section 427 of GEPA, enacted as part of the Improving America's Schools Act of 1994 (Pub. L. 103-382).

### **To Whom Does This Provision Apply?**

Section 427 of GEPA affects applicants for new discretionary grant awards under this program. **ALL APPLICANTS FOR NEW AWARDS MUST INCLUDE INFORMATION IN THEIR APPLICATIONS TO ADDRESS THIS NEW PROVISION IN ORDER TO RECEIVE FUNDING UNDER THIS PROGRAM.**

### **What Does This Provision Require?**

Section 427 requires each applicant for funds (other than an individual person) to include in its application a description of the steps the applicant proposes to take to ensure equitable access to, and participation in, its federally assisted program for students, teachers, and other program beneficiaries with special needs.

This section allows applicants discretion in developing the required description. The statute highlights six types of barriers that can impede equitable access or participation that you may address: gender, race, national origin, color, disability, or age. Based on local circumstances, you can determine whether these or other barriers may prevent your students, teachers, etc. from equitable access or participation. Your description need not be lengthy; you may provide a clear and succinct description of how you plan to address those barriers that are applicable to your circumstances. In addition,

the information may be provided in a single narrative, or, if appropriate, may be discussed in connection with related topics in the application.

Section 427 is not intended to duplicate the requirements of civil rights statutes, but rather to ensure that, in designing their projects, applicants for Federal funds address equity concerns that may affect the ability of certain potential beneficiaries to fully participate in the project and to achieve to high standards. Consistent with program requirements and its approved application, an applicant may use the Federal funds awarded to it to eliminate barriers it identifies.

What are Examples of How an Applicant Might Satisfy the Requirement of This Provision?

The following examples may help illustrate how an applicant may comply with section 427.

(1) An applicant that proposes to carry out an adult literacy project serving, among others, adults with limited English proficiency, might describe in its application how it intends to distribute a brochure about the proposed project to such potential participants in their native language.

(2) An applicant that proposes to develop instructional materials for classroom use might describe how it will make the materials available on audio tape or in braille for students who are blind.

(3) An applicant that proposes to carry out a model science program for secondary students and is concerned that girls may be less likely than boys to enroll in the course, might indicate how it intends to conduct "outreach" efforts to girls, to encourage their enrollment.

We recognize that many applicants may already be implementing effective steps to ensure equity of access and participation in their grant programs, and we appreciate your cooperation in responding to the requirements of this provision.

#### Estimated Burden Statement

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 1801-0004 (Exp. 8/31/98). The time required to complete this information collection is estimated to vary from 1 to 3 hours per response, with an average of 1.5 hours, including the time to review instructions, search existing data resources, gather and maintain the data needed, and complete and review the information collection. If you have any comments concerning the accuracy of the time estimate(s) or suggestions for improving this form, please write to: U.S. Department of Education, Washington, DC 20202-4651.

## Intergovernmental Review of Federal Programs

This appendix applies to each program that is subject to the requirements of Executive Order 12372 (Intergovernmental Review of Federal Programs) and the regulations in 34 CFR part 79.

The objective of the Executive order is to foster an intergovernmental partnership and to strengthen federalism by relying on State and local processes for State and local government coordination and review of proposed Federal financial assistance.

Applicants must contact the appropriate State Single Point of Contact to find out about, and to comply with, the State's process under Executive Order 12372. Applicants proposing to perform activities in more than one State should immediately contact the Single Point of Contact for each of those States and follow the procedure established in each of those States under the Executive order. A listing containing the Single Point of Contact for each State is included in this appendix.

In States that have not established a process or chosen a program for review, State, areawide, regional, and local entities may submit comments directly to the Department.

Any State Process Recommendation and other comments submitted by a State Single Point of Contact and any comments from State, areawide, regional, and local entities must be mailed or hand-delivered by the date indicated in the actual application notice to the following address: The Secretary, EO 12372--CFDA# [commenter must insert number--including suffix letter, if any], U.S. Department of Education, room 6213, 600 Independence Avenue, SW., Washington, DC 20202-0124.

Proof of mailing will be determined on the same basis as applications (see 34 CFR 75.102). Recommendations or comments may be hand-delivered until 4:30 p.m. (Washington, DC time) on the date indicated in the actual application notice.

PLEASE NOTE THAT THE ABOVE ADDRESS IS NOT THE SAME ADDRESS AS THE ONE TO WHICH THE APPLICANT SUBMITS ITS COMPLETED APPLICATION. DO NOT SEND APPLICATIONS TO THE ABOVE ADDRESS.

## STATE SINGLE POINTS OF CONTACT

**Note:** In accordance with Executive Order #12372, this listing represents the designated State Single Points of Contact. Because participation is voluntary, some States and Territories no longer participate in the process. These include: Alabama, Alaska, American Samoa, Colorado, Connecticut, Hawaii, Idaho, Kansas, Louisiana, Massachusetts, Minnesota, Montana, Nebraska, New Jersey, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Vermont, Virginia, and Washington.

The jurisdictions not listed no longer participate in the process. However, an applicant is still eligible to apply for a grant or grants even if its respective State, Territory, Commonwealth, etc. does not have a State Single Point of Contact.

### ARIZONA

Ms. Joni Saad  
Arizona State Clearinghouse  
3800 N. Central Avenue  
Fourteenth Floor  
Phoenix, Arizona 85012  
Telephone: (602) 280-1315  
FAX: (602) 280-8144  
[jonis@ep.state.az.us](mailto:jonis@ep.state.az.us)

### ARKANSAS

Mr. Tracy L. Copeland  
Manager, State Clearinghouse  
Office of Intergovernmental Services  
Department of Finance and Administration  
1515 W. 7th Street, Room 412  
Little Rock, Arkansas 72203  
Telephone: (501) 682-1074  
FAX: (501) 682-5206  
[tlcopeland@dfa.state.ar.us](mailto:tlcopeland@dfa.state.ar.us)

### CALIFORNIA

Grants Coordinator  
State Clearinghouse  
Office of Planning & Research  
1600 Ninth Street, Room 250  
Sacramento, California 95814  
Telephone: (916) 323-7480  
FAX: (916) 323-3018  
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**Note:** This list is based on the most current information provided by the States. Information on any changes or apparent errors should be provided to Sherron Duncan (Telephone (202) 395-3120) at the Office of Management and Budget and to the State in question. Changes to the list will only be made upon formal notification by the State. The list is also published biannually in the Catalog of Federal Domestic Assistance.

**IMPORTANT NOTICE  
TO PROSPECTIVE PARTICIPANTS  
IN U.S. DEPARTMENT OF EDUCATION  
CONTRACT AND GRANT PROGRAMS**

**GRANTS**

Applicants for grants from the U.S. Department of Education (ED) have to compete for limited funds.

Deadlines assure all applicants that they will be treated fairly and equally, without last minute haste.

For these reasons, ED must set strict deadlines for grant applications. Prospective applicants can avoid disappointment if they understand that --

**Failure to meet a deadline will mean that an applicant will be  
rejected without any consideration whatever.**

The rules, including the deadline, for applying for each grant are published individually in the Federal Register. A one-year subscription to the Federal Register may be obtained by sending \$340.00 to: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402-9371. (Send Check or money order only, no cash or stamps.)

The instructions in the Federal Register must be followed exactly. Do not accept any other advice you may receive. No ED employee is authorized to extend any deadline published in the Federal Register.

Questions regarding submission of applications may be addressed to:

U.S. Department of Education  
Coordination and Control Branch  
Washington, D.C. 20202-4725

**CONTRACTS**

Competitive procurement actions undertaken by the ED are governed by the Federal Procurement Regulation and implementing ED Procurement Regulation.

Generally, prospective competitive procurement actions are synopsisized in the Commerce Business Daily (CBD). Prospective offerors are therein advised of the nature of the procurement and where to apply for copies of the Request for Proposals (RFP).

Offerors are advised to be guided solely by the contents of the CBD synopsis and the instructions contained in the RFP. Questions regarding the submission of offers should be addressed to the Contracts Specialist identified on the face page of the RFP.

Offers are judged in competition with others, and failure to conform with any substantive requirements of the RFP will result in rejection of the offer without any consideration whatever.

Do not accept any advice you receive that is contrary to instructions contained in either the CBD synopsis or the RFP. No ED employee is authorized to consider a proposal which is non-responsive to the RFP.

A subscription to the CBD is available for \$208.00 per year via second class mailing or \$261.00 per year via first class mailing. Information included in the Federal Acquisition Regulation is contained in Title 48, Code of Federal Regulations, Chapter 1 (\$49.00). The foregoing publication may be obtained by sending your check or money order only, no cash or stamps, to:

Superintendent of Documents  
U.S. Government Printing Office  
Washington, D.C. 20402-9371

In an effort to be certain this important information is widely disseminated, this notice is being included in all ED mail to the public. You may, therefore, receive more than one notice. If you do, we apologize for any annoyance it may cause you.

ED FORM 5348, 6/86

REPLACES ED FORM 5348, 5/84, WHICH IS OBSOLETE.

## **GRANT APPLICATION RECEIPT ACKNOWLEDGEMENT**

**If you fail to receive the notification of application receipt within fifteen (15) days from the closing date, call:**

**U.S. Department of Education  
Application Control Center  
(202) 708-9493**

## **GRANT AND CONTRACT FUNDING INFORMATION**

**The Department of Education provides information about grant and contract opportunities electronically in several ways:**

ED Internet Home Page	<a href="http://www.ed.gov">http://www.ed.gov</a>	(www address)
	<a href="Gopher://gopher.ed.gov/">Gopher://gopher.ed.gov/</a>	(Gopher address)
OCFO Web Internet Page	<a href="http://ocfo.ed.gov">http://ocfo.ed.gov</a>	(www address)

**You may also wish to visit the US Charter Schools web site for the most current and comprehensive technical assistance information on-line at:**

**[www.uscharterschools.org/](http://www.uscharterschools.org/)**